

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NAVTEJ SINGH,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General of the United States,

Respondent.

CASE NO. C04-1764JLR

TRANSFER ORDER

On May 11, 2005, President Bush signed the REAL ID Act of 2005 (“REAL ID ACT”) into law, depriving federal district courts of subject matter jurisdiction over habeas petitions challenging orders of removal, such as the one filed by Petitioner. Pub. L. No. 109-13, Div. B., § 106, 119 Stat. 231, 310 (May 11, 2005) (“a petition for review filed with an appropriate court of appeals . . . shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act.”). The Government has moved to dismiss this action pursuant to the REAL ID Act. (Dkt. # 28).

Although only recently enacted, the REAL ID Act applies to Petitioner. Pub. L. No. 109-13, Div. B., § 106, 119 Stat. 231, 311 (May 11, 2005) (“The amendments . . . shall apply to cases in which the final order of removal . . . was issued before, on or after

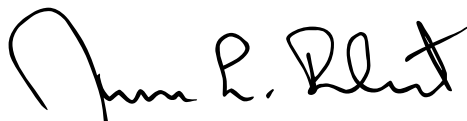
1 the date of the enactment of this division.”). Consequently, the court transfers the above-
2 entitled action to the Ninth Circuit Court of Appeals as a “Petition for Review” in
3 accordance with the June 2, 2005 Special Notice from the Ninth Circuit Clerk of Court
4 (“Special Notice”).

5 In accordance with the Special Notice, the court notes that Petitioner has
6 requested, and the court has ordered, a stay of removal pending the outcome of the
7 petition. (Dkt. # 7).

8 The court notes that the Government has also moved to dismiss this case because
9 the immigration proceeding that led to the removal order Petitioner challenges here has
10 been reopened. Magistrate Judge James P. Donohue has issued a Report and
11 Recommendation on that motion. The court finds, however, that the REAL ID Act
12 deprives it of jurisdiction to decide that motion.
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14 The court TRANSFERS this action to the Ninth Circuit Court of Appeals. The
15 clerk is directed to transmit the entire case file to the Ninth Circuit simultaneously with
16 this order.
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18 Dated this 7th day of July, 2005.

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22 JAMES L. ROBART
23 United States District Judge
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